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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------|-------------|----------------------|-------------------------------|------------------|
| 10/814,689 | 03/31/2004 | Anthony D. Cristillo | 502615.20013 | 8605 |
| 26418 | 7590 | 01/09/2008 | EXAMINER | |
| REED SMITH, LLP | | | HUMPHREY, LOUISE WANG ZHIYING | |
| ATTN: PATENT RECORDS DEPARTMENT | | | ART UNIT | PAPER NUMBER |
| 599 LEXINGTON AVENUE, 29TH FLOOR | | | 1648 | |
| NEW YORK, NY 10022-7650 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 10814689 | 3/31/2004 | CRISTILLO ET AL. | 502615.20013 |

EXAMINER

Louise Humphrey, Ph.D.

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| ART UNIT | PAPER |
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1648 20071213

DATE MAILED:

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Commissioner for Patents

The amendment filed on 09 October 2007 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because claims 13-16 and 21-24 are method claims drawn to a method for immunizing a subject comprising administering an immunizing effective amount of a nucleic acid comprising a deletion mutation in the region encoding the viral budding mediating motif and the claims were restricted into the second inventive group in the Office Action mailed on 23 December 2005 and withdrawn as a result of the election filed on 02 March 2006.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD OF ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louise Humphrey, Ph.D. whose telephone number is 571-272-5543. The examiner can normally be reached on Monday through Friday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell, can be reached on Monday through Friday at 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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